IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.34153 of 2008
MALTI KUMARI
Versus
THE STATE OF BIHAR

02/ 05.09.2008 Heard.

Malti Kumari, submitted to be unmarried sister of the informant, stands accused for murdering her elder sister, who was the wife of co-accused Shiv Bihari Singh. Shiv Bihari was married to the elder sister of the present petitioner and four children were born to him from deceased Lalita Devi. This petitioner, who was a student in the local Women's College, probably was residing in the house of Shiv Bihari Singh and developed an illicit relationship and started living with him as his wife. It appears that Shiv Bihari Singh and this petitioner wanted to finally get rid of Lalita Devi and probably committed her murder and threw the dead body into the streams of a river. The informant was told that his sister Lalita Devi was not seen in her house. When he came and did not find the present petitioner and his Bahnoi, Shiv Bihari Singh, in the house and the mother of Shiv Bihari Singh stated that Lalita Devi had fled away from the house and both were out in search of her, the

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informant brought back four children of his deceased sister to his house and subsequently learnt about a floating dead body in the river and found that it was of his unfortunate sister, who has been murdered.

The contention is that there is absolutely no evidence in the case and the petitioner has falsely been implicated. The submissions made above could be answered in one line. The petitioner not being married to the accused Shiv Bihari Singh was living with him, in spite of the said accused being married to her elder sister and the informant being respectful to his brother-in-law accused Shiv Bihari Singh was not raising any question. Now he lodged a case raising an accusing finger against both accused Shiv Bihari Singh and the present petitioner his own sister, so as to bringing out the truth as to how the petitioner annihilated her own elder sister while living with her paramour.

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The petition is dismissed.

DKS/ **(Dharnidhar Jha, J)**